



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

AUG 25 2016

Ref: ENF-RC

CERTIFIED MAIL # 7012 2210 0000 5370 1001
RETURN RECEIPT REQUESTED

Mr. David Manwiller
Branch Manager
Safety-Kleen Systems, Inc. - Bismarck
3704 Saratoga Avenue
Bismarck, North Dakota 58501

Re: Request for Information Pursuant to RCRA Section
Safety-Kleen Systems, Inc. - Bismarck Facility
Bismarck, North Dakota; EPA ID No. NDD980957070

Dear Mr. Manwiller:

Enclosed is an Information Request (Request) issued to Safety-Kleen Systems, Inc. - Bismarck regarding its facility located at 3704 Saratoga Avenue, Bismarck, North Dakota 58501. This Request is being made pursuant to the authority set forth in Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927. Pursuant to this authority, the United States Environmental Protection Agency, may require persons with information relevant to the generation, storage, treatment, transportation, disposal, and/or other handling of hazardous wastes to submit information to the EPA to determine compliance with RCRA.

Please respond to this Request within thirty (30) calendar days of receipt of this Request. Compliance with this Request is mandatory. Failure to respond fully and truthfully to the Request or to adequately justify such failure to respond may result in enforcement action by the EPA pursuant to Section 3008(h) of RCRA.

This Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.* Your response to this Request should be sent to:

Annette Maxwell, 8ENF-RC
US Environmental Protection Agency, Region 8
Office of Enforcement, Compliance, and Environmental Justice
1595 Wynkoop Street
Denver, Colorado 80202.

Please direct technical questions to Annette Maxwell of the RCRA Technical Enforcement Program at (303) 312-6068, and legal questions to Erin Agee of the Legal Enforcement Program at (303) 312-6374. Thank you for your attention to this matter.

Sincerely,



Aaron Urdiales, Director
RCRA/CERCLA Technical Enforcement Program,
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: Mr. Curt Erickson
North Dakota Department of Health
Division of Waste Management
918 East Divide Avenue
Bismarck, ND 58501-1947

cc: Mr. Brian Larson
Safety-Kleen Systems, Inc.
Fargo Facility Branch Manager
1537 First Avenue South
Fargo, ND 58103

ENCLOSURE A

INFORMATION REQUEST

The Environmental Protection Agency, Region 8 is investigating compliance with the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6921 - 699k. Pursuant to Section 3007 of RCRA, you are hereby required to follow the instructions and provide responses to the questions in this Information Request (Request). You are required to submit the requested information to the EPA within thirty (30) calendar days of receipt of this Request. If you anticipate that you will be unable to fully respond to this Request within thirty (30) calendar days, you must submit a sworn affidavit or declaration by a responsible corporate official within twenty (20) calendar days of receipt of this Request specifying what information will be provided within the specified thirty (30) calendar day time period, describing what efforts have been or are being made to obtain other responsive information, and providing a detailed schedule of when such other responsive information will be provided. Upon receipt and based on such affidavit or declaration, the EPA Region 8 may extend the time in which Safety-Kleen Systems, Inc. - Bismarck must provide the responsive information. Furthermore, the EPA Region 8 retains its right to obtain additional information beyond what is sought in this Request.

All information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Safety-Kleen Systems, Inc. - Bismarck. A Statement of Certification making such representations is provided as **Enclosure B**. A submittal of knowingly false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 6928(d). Furthermore, failure to fully comply with this Request may subject Safety-Kleen Systems, Inc. - Bismarck to an enforcement action under Section 3008(h) of RCRA.

In accordance with Section 3007(b) of RCRA, the records, reports, and information requested in this Request must be submitted, whether or not you regard part or all of it as a trade secret or confidential. You may assert a business confidentiality claim submitted in accordance with 40 C.F.R. Part 2 for all or part of the information. The information qualifying as business confidential will be disclosed by the EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless you make a claim at the time that you submit the information, it may be made available to the public by the EPA without further notice to you.

All information responsive to this Request must be sent to the following:

Ms. Annette Maxwell, 8ENF-RC
Technical Enforcement Program
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202

I. INSTRUCTIONS

- a. The enclosed Statement of Certification (**Enclosure B**) must be filled out and signed by a responsible corporate official and submitted along with your responses to this Request.
- b. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to the EPA Region 8. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.
- c. On each piece of information produced in response to this Request, indicate the number of the question to which it responds. Please submit all information for each question in one logically sequenced electronic format.
- d. If you wish to assert a claim of business confidentiality, you must clearly mark each page of each document included in your claim with a legend such as "trade secret," "proprietary," or "company confidential." If you claim information submitted in response to this Request as confidential, you must also provide a redacted version of the information with all confidential business information deleted. For any document in which you assert a claim of business confidentiality, please answer the following questions:
 - i. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
 - ii. For what period of time do you request that the information be maintained as confidential, i.e., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specified event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
 - iii. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If yes, why is the information still considered confidential?
 - iv. Is the information contained in any publicly accessible forums or materials such as the Internet, databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
 - v. Has any governmental body made a determination as to the confidentiality

- of the information? If so, please attach a copy of the determination.
- vi. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors use this information to your detriment?
 - vii. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish answers to the above questions concurrent with your response to this Request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely answers as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in **Enclosure A**:

- a. The terms "document" and "documents" shall mean any object that records, stores, or presents information, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, flash drive, CD, DVD, or other type of memory generally associated with computers and data processing (together with the programming instructions and other written materials necessary to use such hard drive, flash drive, CD, DVD, or other type of memory); and (a) every copy of each document that is not an exact duplicate of a document that is produced, (b) every copy that has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
- b. The term "Safety-Kleen Systems, Inc. - Bismarck" includes any officer, director, agent, or employee of Safety-Kleen Systems, Inc. - Bismarck, including any

merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.

- c. The term “you” or “yours” refers to Safety-Kleen Systems, Inc. - Bismarck.
- d. The term “facility” means the Safety-Kleen Systems, Inc. - Bismarck Facility, located at 3704 Saratoga Avenue, Bismarck, North Dakota 58503.
- e. The term “identify” or “identification” means, when used in reference to a natural person, to provide his or her name, present or last known address, present or last known employment position or affiliation, and positions or affiliations during the time period covered by this Request.
- f. All terms used in the Request will have their ordinary meaning unless such terms are defined in RCRA, 40 C.F.R. §§ 260 – 280, and the federally-authorized North Dakota hazardous waste program.
- g. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information that might otherwise be construed to be outside its scope.
- h. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
- i. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating, or relevant to.
- j. The term “managed” shall mean treated, stored, disposed, recycled, or reclaimed and includes the definition for “management” or “hazardous waste management” as defined in 40 C.F.R. § 260.10.

III. INFORMATION REQUESTED

- a. Identify the person(s) answering these questions on behalf of Safety-Kleen Systems, Inc. - Bismarck.
- b. Provide the following information about Safety-Kleen Systems, Inc. - Bismarck:
 - i. Safety-Kleen Systems, Inc. - Bismarck’s legal name, address, and current owner.
 - ii. What is the date on which Safety-Kleen Systems, Inc. - Bismarck received authorization to operate in the State of North Dakota at its Bismarck facility?
 - iii. Provide the name and address of the current registered agent for service of process for the Safety-Kleen Systems, Inc. - Bismarck.
 - iv. Provide the date Safety-Kleen Systems, Inc. - Bismarck began operations at its Safety-Kleen Systems, Inc. - Bismarck facility.
 - v. Provide a description of Safety-Kleen Systems, Inc. - Bismarck’s industrial processes, and include your Standard Industrial Code (SIC) or North American Industry Classification System (NAICS) code.
 - vi. How many employees does Safety-Kleen Systems, Inc. - Bismarck employ at its Bismarck facility?

- c. Provide the following information related to hazardous waste received at your facility for the last 5 years. Provide this electronic data in a searchable and editable electronic format (e.g., spreadsheet, Excel file, or the like). This information may be provided on a USB drive or CD, and labelled sequentially, if applicable.
- i. Shipping document information (manifest number or bill of lading number);
 - ii. Name of the generating facility;
 - iii. Address of the generating facility;
 - iv. Date shipped from the generating facility;
 - v. EPA identification number of the generating facility;
 - vi. Waste quantity;
 - vii. Units of measure (i.e., ponds, kilograms, tons, etc.);
 - viii. EPA hazardous waste codes;
 - ix. State hazardous waste codes (if applicable);
 - x. DOT shipping description;
 - xi. Treatment method.

ENCLOSURE B

STATEMENT OF CERTIFICATION

Safety-Kleen Systems, Inc. - Bismarck—Bismarck, North Dakota

I certify that I am authorized to respond to this information request on behalf of Safety-Kleen Systems, Inc. - Bismarck and I certify under penalty of perjury that the foregoing is true and correct. Executed on _____, 2016.

(Signature)

(Name)

(Title)